

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	CV 23-2316 PA (MAAx)	<b>Date</b>	April 3, 2023
<b>Title</b>	Robert Deutsch v. Robert Klein, et al.		

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<b>Present: The Honorable</b>	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE
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Krystal Pastrana Hernandez	N/A	N/A
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Deputy Clerk

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Court Reporter

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Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

**Proceedings:**            IN CHAMBERS    ORDER TO SHOW CAUSE

This action was transferred to this Court from the United States District Court for the District of Arizona. The First Amended Complaint filed by plaintiff Robert Deutsch (“Plaintiff”) asserts claims against Robert Klein as trustee of the Anna Deutsch Trust (“Trustee”) and beneficiaries of the trust. The First Amended Complaint alleges that the Court possesses subject matter jurisdiction pursuant to the Court’s diversity jurisdiction. See 28 U.S.C. § 1332. The First Amended Complaint asserts claims for: (1) invalidity of the 2015 amendment to the trust for lack of capacity; (2) invalidity of the 2015 amendment to the trust for undue influence; and (3) invalidity of all post-1993 amendments to the trust based on suspicious circumstances and to avoid unjust enrichment.

Because Plaintiff appears to be contesting provisions of his mother’s will and issues related to the administration of her estate, the “probate exception” to federal subject matter jurisdiction appears to apply and deprive this Court of subject matter jurisdiction. According to the Supreme Court:

[T]he probate exception reserves to state probate courts the probate or annulment of a will and the administration of a decedent’s estate; it also precludes federal courts from endeavoring to dispose of property that is in the custody of a state probate court. But it does not bar federal courts from adjudicating matters outside those confines and otherwise within federal jurisdiction.

Marshall v. Marshall, 547 U.S. 293, 311-12, 126 S. Ct. 1735, 1748, 164 L. Ed. 2d 480 (2006).

The Court therefore orders the parties to show cause in writing why this action should not be dismissed without prejudice for lack of subject matter jurisdiction as a result of application of the probate exception to the Court’s subject matter jurisdiction. The parties’ responses to this Order to Show Cause shall be filed by no later than April 24, 2023. Failure to file an adequate

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response to this Order to Show Cause by the deadline may, without further warning, result in the dismissal of this action without prejudice.

IT IS SO ORDERED.